

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
GLENN McGARRY ET AL.) Examiner: Not Yet Assigned
Application No.: 09/764,782) Group Art Unit: 2164
Filed: January 17, 2001)
For: SYSTEM FOR CAPTURING TRADE)
INFORMATION) October 9, 2001
Commissioner for Patents)
Washington, D.C. 20231)
RECEIVED
FEB 01 2002
OFFICE OF PETITIONS
DEPUTY A/C PATENTS

DECLARATION UNDER 37 C.F.R. § 1.47(a)

Sir:

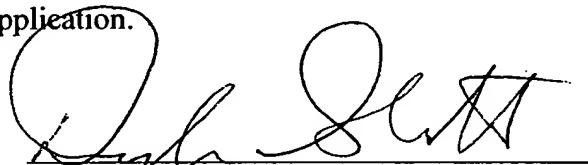
In connection with the above-identified application, Wesley C. Fedorchak orally stated to me that he refuses to join in this application. The circumstances of his refusal are as follows.

The first request for Mr. Fedorchak to join in this application was made on May 18, 2001, in which it was requested that he execute the Combined Declaration And Power Of Attorney and the Assignment, which were forwarded by Federal Express to his last known address: 3708 Northgate Wood Court, Walnut Creek, CA 94598. A reminder was mailed to him at that address on June 27, 2001. In early July of 2001, at least one voice message was left on an answering machine at a telephone number I believe to be his (925-944-1744), asking that he call me or my associate, Lock See Yu-Jahnes, in connection with the application.

One August 1, 2001, Mr. Fedorchak called me regarding the application. He told me that he believed he was an inventor, and that at Lehman Brothers, Glenn McGarry, who is the other inventor, worked for him. He then told me that he would not sign the Combined Declaration And Power Of Attorney or the Assignment, because he saw "no upside" for doing so,

but saw "only downside". Mr. Fedorchak also told me that he now worked for "E-bond Trade Co.", and that before talking to me he had spoken to E-bond's attorneys about this matter, who advised him not to sign anything. At the end of the call, he provided me with his work telephone number (925-279-2020) and his e-mail address (wes@ebondtrade.com), so that I may contact him in the future regarding this matter.

On August 2, 2001, Mr. Fedorchak was provided with another chance to join in this application, by a copy of the application (specification, claims, and drawings) as well as the Combined Declaration And Power Of Attorney and the Assignment sent to him via Federal Express. To date, I have not heard from him again. Therefore, I can only conclude that Mr. Fedorchak continues to refuse to join in this application.



Douglas Sharrott, Esq.
Registration No. 39,832

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 206262 v 1